

**Statement of
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**Before the
Subcommittee on Public Lands and Forests
Energy and Natural Resources Committee
United States Senate**

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Concerning

S. 3854, The Lewis and Clark Mount Hood Wilderness Act; H.R. 5025, The Mount Hood Stewardship Legacy Act, and H.R. 3603 – Central Idaho Economic Development and Recreation Act

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you to today to provide the Department's views on the bills which are on the agenda today.

H.R. 5025, The Mount Hood Stewardship Legacy Act, and S. 3854 – The Lewis and Clark Mount Hood Wilderness Act

The Mount Hood bills have many similarities in providing management direction that emphasizes the importance of wilderness, recreation, and forest health, as well as, cultural, historical, environmental and scenic values of Mount Hood and the surrounding landscapes.

Both H.R. 5025 and S. 3854 would expand the National Wilderness Preservation System and the National Wild and Scenic Rivers System, and designate a special resources management unit. They would provide for the retention of fees from recreation and other special uses and establish a recreational working group. In addition, both bills would direct the Secretary to work with the State of Oregon to develop an integrated transportation plan, and study the feasibility of establishing a gondola connection and a multi-modal transportation center.

Both H.R. 5025 and S. 3854 would require the Secretary of Agriculture to conduct a Forest Stewardship Assessment to address forest health, to establish Memoranda of Understanding for watershed management between the Forest Service and irrigation districts or municipalities and to study long-term biomass available on the national forest. The bills would direct the Secretary to establish priority-use areas and provide exclusive rights for the gathering of first foods by members of Indian tribes with treaty-reserved

gathering rights. The bills would require the Secretary to enter into specified land exchanges with private landowners. S. 3854 would designate a Mount Hood National Recreation Area.

The Administration recognizes that the bill's sponsors have conducted a considerable amount of outreach and worked with a number of communities of interest including local and state governmental entities, tribes, profit and non-profit organizations and individuals in the development of S. 3854 and H.R. 5025.

However, we have concerns regarding those facets of the bills that appear to be highly prescriptive and limiting, and we believe, could benefit from additional collaboration among all stakeholders. While we strongly support public involvement and community collaboration, the concept of legislating management direction is problematic. We would like to work with this Committee and the sponsors to ensure that existing legal and cooperative frameworks for decision-making continue to be honored as we seek to meet the goals of the legislation.

Analysis

I will address each resource in order; but in summary the Administration supports many of the concepts and provisions of the bills including some wilderness and wild and scenic river designations, and the attention focused on recreation, watershed and forest health and transportation issues on and around Mount Hood.

We would like to work with the committee and sponsors to resolve concerns, as well as a number of technical issues in the legislation, including a definition of old growth, effects of some of the wilderness proposals, the special use fee retention, the establishment of a recreation working group, the restrictive management requirements of the Crystal Springs Watershed Management Unit, and the requirement to enter into a below market land exchange. In addition, S. 3854 authorizes approximately \$16 million in appropriations and H.R. 5025 authorizes approximately \$2 million in appropriations without identifying any source for these funds or proposed offsets.

Wilderness

S. 3854 proposes to add about 128,400 acres and H.R. 5025 proposes to add about 77,200 acres of Wilderness on the Mount Hood National Forest. The Administration would support the designation of wilderness for areas that are consistent with the hallmarks of wilderness described in the Wilderness Act of 1964 – areas dominated by the forces of nature, with primeval character and natural conditions that contrast with developed lands and offering outstanding opportunities for solitude or primitive and unconfined recreation. It appears from the maps we have received from the sponsors that H.R. 5025 provides the best opportunities for achieving these conditions within those proposed areas that are contiguous to existing wilderness areas. The additions that, in our opinion, could enhance existing wilderness areas include approximately 55,000 acres consisting of the following: Bull of the Woods (4,000 acres), Mount Hood (2,800 acres), Salmon-Huckleberry (3,100 acres), and Gorge Ridgeline (12,000 acres). We would also support inclusion of a new area recommended in both bills, Roaring River (33,000 acres). We

would like to work with the sponsors to seek agreement on mapping changes that would provide manageable boundary locations and enhance the overall wilderness character of the proposed wildernesses.

We have specific concerns with other proposed wilderness designation including many of the smaller, isolated areas. This is much more problematic with the Senate bill. Many of these areas are currently managed for values and uses that are inconsistent with wilderness designation, including motorized access. Examples of proposed wilderness with limited or impaired wilderness character would include areas close to I-84 and Highways 35 and 26, and small extrusions and peninsulas extending from existing wilderness. We believe these proposed areas would be adversely impacted from external, adjacent activities or from activities associated with the exercise of existing uses. We would like to work with the Committee to explore alternatives that could meet the intent of protecting these areas for future generations short of wilderness designation.

Both H.R. 5025 and S. 3854 propose new wilderness within the boundary of the Columbia River Gorge National Scenic Area (CRGNSA) designated by Congress in 1986. The CRGNSA designation has been highly successful in protecting and enhancing the scenic, cultural, and natural and recreation resources of the area while accommodating economic development consistent with these purposes. Most of the area within the CRGNSA covered under the bills is adjacent to urbanized areas and significant infrastructure (i.e., the cities of Hood River, Bonneville, and Cascade Locks, the unincorporated communities of Dodson and Warrendale, Bonneville Power Administration's high voltage power lines that traverse and transect the Gorge, Interstate 84, and the Union Pacific Rail Line). We believe that adjacent land uses, in conjunction with special provisions for existing rights such as the Army Corps of Engineers permit related to Bonneville Dam, could potentially conflict with and compromise the wilderness character of the proposed Gorge Ridgeline Wilderness.

Section 106 in S. 3854 would require the Secretary to establish fire safe community zones. The Committee should be aware that significant community involvement has already resulted in the development of the City of Cascade Locks Community Wildfire Protection Plan, which was completed in January 2005. A core team acting as an advisory committee during the plan's development by a contractor consisted of representatives from the City of Cascade Locks, Hood River County, Oregon Department of Forestry, the Forest Service, Cascade Locks Fire Department, Hood River County Fire Chief's Association, Port of Cascade Locks, and interested citizens. In addition, the Clackamas County Community Wildfire Protection Plan was completed in October 2005 with partners including Clackamas County, Oregon Department of Forestry, and the Clackamas District Fire Defense Board. They involved the County's Fire Protection Districts as an avenue to reach citizens in the County, and held workshops in six communities, including Government Camp. This bill should better reflect this ongoing effort.

The Administration does not support Section 107 which would authorize grants to gateway communities. We oppose this authorization since other rural and economic development funds are suitable to this purpose.

Wild & Scenic River Designations

The Department supports the wild and scenic river designations proposed by H.R. 5025 and S. 3854, with the exception of the Fifteen Mile Creek and the East Fork Hood River as proposed in S. 3854. The former did not rise to the level of suitability for study during the Land and Resource Management Planning process and we believe it still does not merit consideration. The East Fork Hood River was determined not a suitable addition to the National Wild and Scenic Rivers System in the Mount Hood Land and Resource Management Plan. The language amending Section 3(a) of the Wild and Scenic Rivers Act is incorrectly formatted and contains a number of errors in describing the termini, segment divisions and/or classification of proposed rivers. We look forward to working with the Committee to address these concerns.

The Forest Service is also concerned about its ability to protect wild and scenic river values with the language relative to water rights and flow requirements; culverts; and treatment of State highways. We prefer to use our existing authority under the Wild and Scenic Rivers Act to protect the values associated with these special resources. We would like to work with Committee staff on amendments to address these concerns.

Recreation

We recognize the importance of outdoor recreation to the social and economic well-being of the Mount Hood region today and into the future. While we share the sponsors' concerns with the challenges of managing complex and often conflicting recreation values and uses, the new fee retention authority for the Mount Hood National Forest as specified in the legislation is unnecessary. Currently, the Secretary has the authority to offset concession fees for Federally-owned concessions under the Granger-Thye Act. The Federal Lands Recreation Enhancement Act (FLREA) of 2004 provides authority to retain fees for outfitting and guiding, recreation events, recreation use. Additional authorities are provided for retention of commercial filming fees and organizational camp permits. The inclusion of new authority for retention and expenditure of land use fees would result in a loss of Treasury receipts which are used to fund ongoing programs.

The proposed legislation would provide for the establishment of a Mount Hood National Forest Recreational Working Group that would be exempt from the Federal Advisory Committee Act (FACA). The FLREA already requires the creation of a Recreational Advisory Committee, with similar membership. We believe creation of any additional advisory council would be administratively burdensome and costly and would like to work with the Committee to develop a means to address the objectives of this provision.

S. 3854 would designate a Mount Hood National Recreation Area. The Administration could support this designation, which recognizes the variety of recreational activities that visitors currently enjoy in the proposed area. However, some of the management prescriptions in the bill are too restrictive. We suggest that some of the smaller isolated

tracts now proposed for wilderness would be excellent candidates for National Recreation Area designation as an alternative to wilderness. We would like to further explore these ideas with the sponsors. The Administration could support the recreation provisions of these bills if they are amended to address our concerns.

Transportation

The Administration supports collaboratively participating with the State of Oregon, local governments, and Federal departments in the development of a comprehensive, multi-modal transportation strategy for the Mount Hood region. We do not support language contained in Section 402(e) of S. 3854, which assigns responsibility for the transportation plan to the Secretary, or Section 402(f) which authorizes the appropriation of \$2 million to carry out the section. We also oppose H.R. 5025, Section 403(f) which authorizes \$2 million for the Secretary to be passed to the State of Oregon for this purpose. Existing funding mechanisms under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)(P.L. 109-59) are already available to the Oregon Department of Transportation to address transportation planning. Indeed, the Mount Hood National Forest has recently received notice that \$100,000 of funding under section 3021 of SAFETEA-LU has been secured and will be transferred to the State to begin work on this collaborative planning effort.

In addition to the transportation plan, the bills would require the Secretary to conduct a study of the feasibility of establishing a gondola connecting Timberline Lodge to Government Camp and an inter-modal transportation center in close proximity to Government Camp. Given the complexity of conducting this study, we suggest that the Department of Transportation has the appropriate expertise to carry it out.

A 2001 gondola feasibility study conducted with funding from the Federal Highway Administration estimated the cost to construct a gondola from Government Camp to Timberline Lodge ranged from \$21 to \$26 million, and estimated the cost of the gondola from Government Camp to Mount Hood Meadows ranged from \$37 to \$56 million. We do not believe another study of this issue would be needed and we would recommend including the completed study as part of the regional transportation planning process.

Forest & Watershed Stewardship

We support the objectives of the Forest Stewardship Assessment in both bills to determine forest health needs. The Forest Service is currently developing an integrated vegetation management approach similar to the approach provided for in the legislation. The ability to use existing information and processes would expedite developing a forest stewardship assessment consistent with other agency efforts. However, the legislation requires compulsory implementation of the stewardship assessment projects within a limited time frame, and the Department is concerned this requirement will redirect other available funds allocated to meet priority need determined at the national scale to conduct ongoing activities within the National Forest System. The bill, if enacted, therefore would require the Forest Service to utilize existing funds and displace other, more critical, ongoing work. Again, we would like to work with the Committee to address this concern.

We support the concept of assessing the amount of long-term sustainable biomass available in the Mount Hood National Forest. We have already begun a study as part of a recent memorandum of understanding signed by the Confederated Tribes of Warm Springs, the Forest Service, and others to analyze the supply of biomass for a tribal co-generation plant.

Crystal Springs Watershed Management Unit

We have concerns over the establishment of Crystal Spring Watershed Special Resources Management Unit as proposed in both H.R. 5025 and S. 3854. The boundaries of the Crystal Watershed Special Resources management Unit are based on the zone of contribution which crosses hydrologic divides. We would like to work with the sponsors to resolve issues associated with this boundary. We believe existing regulations, direction and policies are already in place to ensure protection of the quality and quantity of the watershed. These authorities and direction include the Mount Hood National Forest Land and Resource Management Plan; the East Fork Hood River and Middle Fork Hood River Watershed Analysis, and surface and ground water protection areas delineated by Oregon Department of Environmental Quality and the Clean Water Act.

The prescriptive listing of authorized and prohibited activities is too restrictive for future management that could benefit resource protection and enhancement for purposes of the proposed legislation. Hazardous fuels are a major issue in the Crystal Springs Watershed. This bill restricts the ability to efficiently address this issue. If enacted the legislation would establish an exclusive priority for a small municipal watershed area that is similar to thousands of other municipal watersheds on National Forest System lands across the country which are adequately managed without such an exclusive priority. In addition, this system is not a surface water system but is a ground water or spring fed system which may require less protective measures. The Secretary would be required to develop a management plan separate from the Land and Resource Management Plan, a duplicative and inefficient use of limited resources. The bill also limits the Secretary's ability to deal with changing circumstances and perpetuates these restrictions by proscribing the Department's conveyance of lands within the unit. We would like to work with the sponsors to resolve our objections.

Local and Tribal Relations

The bills would encourage the Secretary of Agriculture to cooperate with the Tribes, Federal and State entities, and local communities. We support this general direction although we have concerns about authorizing exclusive use of National Forest System lands for traditional cultural and religious activities (as provided in section 103(i)(2) of H.R. 5025) and exclusive rights for gathering "first foods" in priority use areas for tribes with treaty reserved rights (as provided in section 801(b) of S. 3854 and in section 702(b) of H.R. 5025). We believe that the current treaty rights and memorandum of understanding cited in the bills are sufficient to accommodate these needs and would like to work with the Committee on language to afford the Forest discretion to work with the relevant Tribes on identified specific uses.

Land Conveyances

We appreciate the sponsors' efforts to resolve long-standing conflicts on Mount Hood with the proposed Cooper Spur- Government Camp land exchange proposal.

While we support the direction in S. 3854 to use nationally recognized appraisal standards, the Administration is compelled to object to the requirement to obtain an existing appraisal for review. To date the Forest Service has been unable to obtain permission from the owner of the current appraisal to carry out a review of the existing appraisal. In at least two locations in the appraisal reports, the appraiser imposes limiting conditions on the use of the reports and explicitly retains ownership and control of the reports.

However, we have a number of suggestions for improving the land exchange proposal. First, we recommend an assessment of the requirement that the Forest Service would take possession of an aging infrastructure and solicit a new concessionaire, both of which could be problematic. Second, we recommend an evaluation of the unique resource implications of privatizing the two parcels of land at Government Camp. We have other concerns regarding the appraisal process and would like to work with the Committee on amendments to address these concerns.

The Administration supports the proposed exchange with the Port of Cascade Locks to improve the Pacific Crest National Scenic Trail. The administration does not object to the Hunchback Mountain exchange with Clackamas County. We note that this exchange would require a legislated adjustment to the Mt. Hood National Forest Boundary and we would work with the Committee to address this.

In addition, we recommend the deletion of language authorizing retention of Mount Hood National Forest land use fees from special use authorizations since it would result in a loss of Treasury receipts which are used to fund ongoing programs.

The Administration could support relevant conveyances if bill language is amended to address these concerns.

Summary

In summary Mr. Chairman while we are encouraged by the sponsor's efforts on behalf of the Mount Hood National Forest, the Administration cannot support either S. 3852 or H.R. 5025 as they are presently written. Nevertheless, we see a great potential, working with the many stakeholders of the region and beyond, to meet the objectives of S. 3854 and H.R. 5025 to protect for future generations the recreation opportunities and resource values of the Mount Hood National Forest. We believe we can accomplish these objectives using existing authorities as well as some of the provisions of the bills, especially those embodied in H.R. 5025. We strongly support negotiated agreements on land management and we are committed to perfecting this one by continuing to work on the sections where we have concerns.

H.R. 3603 – Central Idaho Economic Development and Recreation Act

H.R. 3603 is intended to promote economic development and recreational use of National Forest System lands and other public lands in central Idaho Sawtooth National Recreation Area (SNRA) and the Salmon – Challis National Forest. We support the intent of the legislation to balance long-term conservation, expressed in the wilderness designation, with the needs to provide rural economic development opportunities and assistance in central Idaho.

Our comments today are based in part on the preliminary maps that we have been provided, and the Department would like the opportunity to review final maps cited in the legislation to ensure that they accurately identify the National Forest System lands designated for wilderness, parcels identified for conveyance, motorized roads and trails, and the management area boundary. In addition to the specific bill sections outlined below, we would like the opportunity to address a number of technical changes as well.

We recognize the bill sponsor has conducted a considerable amount of outreach and has worked collaboratively with an array of communities of interest in the development of H.R. 3603. We also appreciate that since we last testified on the bill, it was amended by the House Resources Committee to address some, but not all, of our concerns.

In general, we are concerned about the extent of appropriation authorizations throughout the bill (sections 109, 112, 114, 301, 302, 304, and 403), and the conveyance of National Forest System lands without compensation to the taxpayer. The bill authorizes approximately \$20 million in appropriations without identifying any source for these funds or proposed offsets. We are concerned about our ability to absorb the costs to implement the bill within our current programs and are concerned about how these costs may affect the ability to carry out other planned priorities of these affected programs now and into the future. We are also concerned the proposed land conveyances will establish a disadvantageous precedent. The Administration also has concerns with several provisions that are inconsistent with the President's budget.

I will limit my remarks to the provisions of the bill related to the lands and activities managed by the Forest Service and will defer to the Department of the Interior on provisions relating to the lands managed by the Bureau of Land Management.

TITLE I - Central Idaho Economic Development and Recreation Promotion

This title would direct the Forest Service to convey certain lands without consideration within the Sawtooth National Recreation Area (SNRA). The Administration does not support the conveyance of Federal lands without consideration at market value.

For 31 years, the Federal government has made a strategic investment of almost \$65 million in the SNRA for land and scenic easement acquisition to protect its resource values. Conveyance of these lands within the SNRA is at odds with our investment, the

public interest, and the purposes for which the SNRA was established under P.L. 92-400. In fact, at least one area that the bill would convey is a parcel that was acquired to protect the SNRA.

Section 101 would direct the conveyance of 86 acres, including a road encompassing about 15 acres, to Custer County. The Department does not support this conveyance. This conveyance could disrupt the continuity of recreation access and use for which the SNRA was established and could compromise areas acquired to protect natural, scenic, historic, and fish and wildlife values. Lands conveyed in this area would also affect the Stanley Basin Allotment by reducing suitable grazing acres.

Section 102 would direct the conveyance of three parcels totaling 3.47 acres to Blaine County. The Department does not support this conveyance. The 2-acre Smiley Creek parcel and the 0.47 acre parcel are in the immediate foreground of the Sawtooth Scenic Byway and were purchased with Land and Water Conservation Fund appropriations in 1977. The conveyance of these parcels would have visual impacts for the SNRA and create administrative and management burdens on the agency. In addition, a bus turnaround intended for the Eagle Creek Road parcel, located on the Ketchum Ranger District, could be authorized without the need to convey the parcel.

Section 103 would direct the conveyance of approximately 8 acres in parcel A and approximately 68 acres in parcel C to the City of Stanley. The Department would not oppose conveyance of parcel A with consideration equal to market value established through an appraisal that conforms to Federal standards. Although parcel A was purchased with Land and Water Conservation Fund appropriations, its location—adjacent to the City of Stanley—warrants conveyance at market value.

The Department does not support the conveyance of parcel C as described. Parcel C is adjacent to the Ponderosa Scenic Byway and is important habitat for elk and other wildlife. The conveyance of this land, as currently described, would disrupt the continuity of recreation access and use for which the SNRA was established and could compromise areas necessary to protect natural, scenic, historic, and fish and wildlife values.

It should also be noted the bill requires the Secretary to bear the cost to survey and develop legal descriptions for the parcels conveyed under sections 101, 102, and 103. The Department does not support these provisions. All costs related to the transfers, including land surveys, analysis and disclosure required by the National Environmental Policy Act (NEPA), and compliance with other applicable environmental laws, should be borne by the benefiting entity rather than the federal government.

Along with each conveyance, there are extensive restrictions and limitations on the use of conveyed parcels in the legislation, many of which coincide with current limitations within SNRA. However, this title sets up future conflict amongst the local government, the Forest Service and the private landowners who acquire the conveyed property. The bill rightly positions the county or City to enforce the land use restrictions, but places the

Secretary in a position of determining that the deed restrictions are not being met. We recommend dropping the reversionary interest provision.

Section 109 would direct the Secretary of Agriculture to design, construct, and maintain a surfaced trail between the City of Stanley, Idaho and Red Fish Lake. The Department is not opposed to this section if an offset is provided, but would recommend several modifications to improve its implementation including the use of the existing Forest Service 30-foot easement across private lands to accommodate this direction.

Section 111 would direct the Secretaries of Agriculture and the Interior to grant 10-year permit extensions for guides and outfitters within the wilderness area and the Boulder-White Cloud Management Area established by the bill. The agency already has authority to issue 10-year permits. We would prefer to renew or issue new permits under our established authority.

As was stated previously in our testimony, the Department has concerns with the amount of appropriations authorized by the bill. In addition, section 112 would authorize funds to make direct grants to Custer County, Idaho, to support sustainable economic development and to the State of Idaho and for acquisition of Bayhorse Campground. The Department does not support this section. We believe other rural and economic development funds are suitable to this purpose.

Section 113 would direct the Secretary of Agriculture to construct a new road and bridge on National Forest System land to ensure the continuation of public access to the Sawtooth National Recreation Area's Bowery Guard Station. The estimated construction costs are approximately \$950,000. The Department opposes this section and would prefer to continue to provide access to the Bowery site by the current means.

TITLE II – Central Idaho Wilderness Areas

Title II would add additional areas in central Idaho to the National Wilderness Preservation System – 105,000 acres in the Sawtooth and Challis National Forests to be known as the “Hemingway - Boulder Wilderness,” 73,100 acres in the Sawtooth and Challis National Forests to be known as the “White Clouds Wilderness,” and approximately 131,700 acres in the Challis National Forest and Challis District of the Bureau of Land Management to be known as “Jerry Peak Wilderness.” The Secretaries of Agriculture and the Interior would collaborate to develop a Comprehensive Wilderness Management Plan for the designated wilderness areas.

The Department supports the wilderness designations as proposed with very minor modifications. We would like to work with the committee and bill sponsor to modify the boundaries to better align with natural landscape features and to reduce the potential for conflicts between motorized and non-motorized users.

Section 202(e)(1) would require the construction of two trailheads. The construction of new trailhead facilities is not desirable given current public use and cost. The existing

Big Boulder trailhead is currently shared between motorized and non-motorized forest visitors with little or no conflict and is appropriately sized given its current use.

Section 202(e)(2) would direct the upgrade of the first mile of the Murdock Creek Trail into a primitive, non-paved wheelchair accessible trail into the Hemingway-Boulders wilderness. The new Forest Service Trail Accessibility Guidelines provide direction to make new or altered trails accessible while maintaining the natural setting. We think this direction is adequate to maximize accessibility while protecting wilderness values.

Section 206 is intended to protect the wilderness values of the proposed wilderness areas by means other than a federally reserved water right. While the Department does not oppose the definitions regarding water rights, we would like to work with the Committee and bill sponsors to clarify the relationship between subsections 206(c) pertaining to statutory construction and 206(d) requiring the Secretary to adhere to procedural and substantive requirements of described Idaho Water Law. Also, the Forest Service has recently concluded a settlement with the State of Idaho and other parties over Federal reserved water rights for the Salmon Wild and Scenic River (SW&SR). The SW&SR is located downstream of most of the conveyances proposed in title I. As part of the SW&SR settlement, the parties agreed to certain subordinations to water rights for future uses. The proposed land conveyances may have the potential to create water withdrawals from the Salmon River in amounts greater than those anticipated during negotiations. The land conveyances may result, over time, in reduced instream flows and degraded water quality, with the potential to adversely affect the protections afforded fish and recreation reached through this agreement. We would like to work with the Committee and bill sponsors to insure the subordinations for future waters rights are maintained.

The Administration does not support section 207(c) regarding use of aircraft in wilderness. This provision could authorize potentially non-conforming uses. The current approach to wilderness management that subjects proposed aircraft landings to review and approval on a case-by-case basis, allowing the Department to work cooperatively with partners to balance use in compliance with the Wilderness Act of 1964. This approach provides for an efficient and consistent administration of the Wilderness Preservation System and is consistent with the recently revised Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness, approved by the Forest Service, Bureau of Land Management, and the Association of Fish and Wildlife Agencies.

The Administration objects to section 207(e), which would remove the President's discretion to approve water resource development in wilderness in a national emergency, as provided in the Wilderness Act of 1964.

TITLE III – Boulder-White Cloud Management Area

This title would establish a “Boulder-White Cloud Management Area” for certain lands not designated as wilderness under title II, and provides for management for roads, timber harvest, trails, and land acquisition and designation of motorized trail access. The Department supports the designation of the management area since the area would

continue to be managed in accordance with existing management plans of the individual units that it overlays – the SNRA, the Sawtooth, and the Salmon-Challis National Forests.

Section 302(b) is an addition since the Department last testified on this bill. It would require the Secretary to either purchase or accept as a charitable contribution, any unpatented mining claim located within the boundary of the Boulder-White Mountain Management Area, in return for a tax deduction to the donor. However, the Administration opposes this provision, and the Department defers to the Department of Treasury regarding additional information on the tax implications of the charitable donation element of this section. The Forest Service already has authority to purchase unpatented mining claims and to accept donations of mineral interests, with some restrictions. Furthermore, it would not be appropriate to purchase mining claims that have little evidence of discovery.

The Department is concerned about the extent of specific direction regarding road and trail use, closure, and management, such as section 303 which authorize specific roads and trails to be closed to both motorized and non-motorized uses with limited options for future modifications. We would prefer to manage motorized and non-motorized opportunities through the existing April 14, 2003 Travel Management Plan as amended, making adjustments based on user demand and resource conditions as needed.

Thank you for the opportunity to discuss this bill. I look forward to working with you in the future on enactment of H.R. 3603 and am happy to answer any questions that you have at this time.